

AO 91 (Rev. 01/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoFILED  
UNITED STATES DISTRICT COURT  
LAS CRUCES, NEW MEXICO

MAY - 2 2025

United States of America

)

MITCHELL R. ELFERS  
CLERK OF COURT

v.

)

Case No: 25-1093 MJ

Erik FLORES-Leyva

)

)

)

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of April 27, 2025 in the county of Dona Ana in the State and District of New Mexico, the defendant violated 18,8,50 U.S.C. §1382(NDA), 1325(a)(1)(EWI Misdemeanor), 797(NDA), an offense described as follows:

Count 1: 8 USC 1325 Entered and attempted to enter the United States at a time and place other than as designated by Immigration Officers

&amp;

Count 2: 18 USC 1382 Entry of Military Property for Any Purpose Prohibited by Law

&amp;

Count 3: 50 USC 797 Prohibits the Willful Violation of any Defense Property Security Regulation (Class A Misdemeanor)

This criminal complaint is based on these facts:

Count 1: On April 27, 2025, Border Patrol Agents from the Santa Teresa, New Mexico Border Patrol Station encountered the defendant in Dona Ana County, New Mexico. The defendant was questioned as to his citizenship to which he stated that he was a citizen and national of Mexico, illegally present in the United States. Agents determined the defendant illegally crossed the boundary between the United States and Mexico on April 27, 2025, approximately seven miles east of the Santa Teresa, New Mexico Port of Entry. The defendant did not present himself through a lawful Port of Entry; therefore, he was not admitted or paroled by an Immigration Officer.

&amp;

Continued on the attached sheet.

Complainant's signature

Daniel Calzada, Agent

Printed name and title

GREGORY B. WORMUTH  
U.S. MAGISTRATE JUDGE

Printed name and title

Date: May 2, 2025

City and state: Las Cruces, N.M.

via telephone.  
Sworn to before me and signed in my presence.

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

v.

Erik FLORES-Leyva

**Continuation of Statement of Facts:**

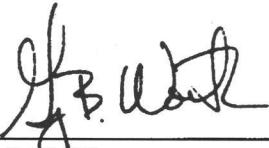
Count 2: On April 27, 2025, DEFENDANT, Erik FLORES-Leyva entered a military reservation, post, fort, yard, station or installation, the NM National Defense Areas for a purpose prohibited by law, specifically illegal entry into the United States.

&

Count 3: On April 27, 2025, Erik FLORES-Leyva was apprehended by U.S. Border Patrol, Erik FLORES-Leyva did not have authorized access from the US ARMY to enter the NM National Defense Areas. Signs have been posted along the NM National Defense Areas stating in both English and Spanish that this is a restricted area, and that unauthorized entry is prohibited. Based on the location of DEFENDANT's apprehension by U.S. Border Patrol, the DEFENDANT illegally crossed the international border with Mexico into the United States through the NM National Defense Areas. Further DEFENDANT was apprehended in an area with posted signs prohibiting unauthorized entry.

**Continuation of Statutory Language:**

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Signature of Judicial Officer

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Signature of Complainant

Calzada, Daniel

Filing Agent